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**RESOLUTION URGING COOPERATION ON
SITING OF RADIOACTIVE WASTE FACILITY**

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

1998 GENERAL SESSION

STATE OF UTAH

SERVED APR - 2 1998

Sponsor: Eli H. Anderson

A JOINT RESOLUTION OF THE LEGISLATURE ENCOURAGING FEDERAL REGULATORS, THE UNITED STATES CONGRESS, FEDERAL AND STATE COURTS AND AGENCIES, AND UTAH'S CONGRESSIONAL DELEGATION TO CONSIDER THE IMPACT ANY NUCLEAR WASTE STORAGE FACILITY IN SKULL VALLEY WILL HAVE ON PRIVATE LAND OWNERS IN SKULL VALLEY, AND ENCOURAGING MITIGATION OF EFFECTS THE FACILITY WOULD HAVE ON THESE PROPERTIES.

Be it resolved by the Legislature of the state of Utah:

WHEREAS Private Fuel Storage, a consortium of out-of-state utilities, has proposed to establish a nuclear waste storage facility on the territory of the Skull Valley Goshute Tribe located in Skull Valley, Tooele County, Utah;

WHEREAS such a storage facility would have a significant impact on private land owners in Skull Valley, including potential impacts on water quality and quantity, current and potential farming and ranching activities, transportation, quality of living, health, safety, general welfare, loss of future opportunities associated with the land, and impacts on the current and future value of the property;

WHEREAS the consortium has ignored these impacts in its license application and has not been willing to appropriately deal with the private land owners in Skull Valley;

WHEREAS it is reasonable to expect that the consortium will provide economic mitigation of the impact on the Skull Valley Goshute Tribal land, including direct compensation to the tribe;

WHEREAS the private land owners in Skull Valley will have similar impacts to those of the Skull Valley Goshute Tribe and should therefore have those impacts mitigated and be fully compensated by the consortium for the loss of value to their property; and

WHEREAS it is in the interest of the state as a whole to protect and preserve these ranching and farming lands:

Template = SECY - 043

SECY-02

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah urge the Nuclear Regulatory Commission, the United States Congress, Utah's congressional delegation, any federal or state courts or agencies involved to ensure that private land owners in Skull Valley be considered in any analysis of impacts of any proposed nuclear storage facility and be fully compensated by the consortium for the loss of value to their property and any damages, including lost opportunities, they will suffer as a result of the proposal to establish, or the actual establishment, of a nuclear waste interim storage facility in Skull Valley.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the Skull Valley Goshute Tribe, the Private Fuel Storage Consortium, the Nuclear Regulatory Commission, the United States Congress, the Department of Energy, the Utah Department of Environmental Quality, and Utah's congressional delegation.

LEGISLATIVE PRINTING

419 STATE CAPITOL • PO BOX 140107
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RETURN SERVICE REQUESTED

NUCLEAR WASTE STORAGE OPPOSITION RESOLUTION

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Ralph Becker

Perry Buckner

A CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR ENCOURAGING FEDERAL REGULATORS, UTAH'S CONGRESSIONAL DELEGATION, AND THE CONGRESS, TO STOP THE SITING OF A NUCLEAR WASTE STORAGE FACILITY IN SKULL VALLEY; STATING PUBLIC SAFETY, ENVIRONMENTAL, SOCIOECONOMIC, AND GEOLOGICAL CONCERNS POSED BY THE PROPOSED FACILITY; AND REQUESTING THAT THE INDUSTRY CONSORTIUM ATTEMPTING TO ESTABLISH THE FACILITY BE REQUIRED TO DEMONSTRATE ABILITY TO ASSUME THE RESPONSIBILITY AND COSTS FOR ALL MEASURES NECESSARY TO ENSURE THE SAFE TRANSPORTATION OF THE NUCLEAR WASTE THROUGH THE STATE PRIOR TO ANY ACTION REGARDING THE FACILITY.

Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:

WHEREAS Private Fuel Storage, a consortium of members of the nuclear energy industry, referred to in this resolution as the consortium, have applied to establish a nuclear waste storage facility on the territory of the Skull Valley Goshute Tribe to store spent nuclear fuel rods from nuclear power facilities;

WHEREAS these nuclear power facilities are mostly located in Eastern and Midwestern states;

WHEREAS the Skull Valley location is within the boundaries of the State of Utah;

WHEREAS the Skull Valley location is within 40 miles of the Wasatch Front, which is where the majority of Utah's population resides;

WHEREAS this high-level nuclear waste would remain lethal for at least 10,000 years, posing a long-term risk to Utahns;

WHEREAS the geography and geology of Skull Valley raises significant questions that have not yet been answered regarding the safety of both people and the environment in storing the

high-level nuclear waste at that location;

WHEREAS travel and tourism could be stigmatized by the location of a nearby high-level nuclear waste repository;

WHEREAS the citizens of the State of Utah have experienced documented consequences as "downwinders" from radioactive fallout from nuclear testing;

WHEREAS the Skull Valley site is proposed, and would be designed, as a "temporary" storage facility, but as there is no approved permanent disposal facility for this waste, there is concern that Skull Valley would become a permanent storage location for this nuclear waste;

WHEREAS the transportation of this high-level nuclear waste to the proposed Skull Valley site would involve movement annually of an estimated 200 or 300 casks, each containing approximately ten tons of high level nuclear waste, through Utah's population centers, posing to these populations the risks associated with transporting this waste;

WHEREAS addressing these risks realistically requires careful planning and the creation of a costly transportation safety and response program, including public safety personnel and emergency response equipment;

WHEREAS the federal agencies, in reviewing the consortium's application for the site, should require the consortium's establishment of a transportation safety plan to the satisfaction of the State of Utah, Tooele County, and affected Utah local governments, and proof of the ability of the consortium to fund and act on that plan before any further consideration is given to the application;

WHEREAS the consortium is a private entity, and federal law does not provide any funding for states affected by the transportation or storage of this waste;

WHEREAS the financial incentives and benefits resulting from the proposed disposal site would accrue to the Skull Valley Goshute Tribe and the consortium;

WHEREAS to the extent the State of Utah, Tooele County, and neighboring landowners would suffer significant economic harm as a result of the proposed disposal site, these parties should be compensated for these losses;

WHEREAS if as consortium representatives indicate, the cask storage method is safe and the

proposed storage site would only be temporary, it would be, by no small measure, most practical and reasonable for the consortium members to provide this temporary storage in close proximity to the facilities that generate the waste, rather than impose on Utah and the states on the transportation route the significantly increased transportation risks and public safety costs associated with long-haul movement across the country;

WHEREAS the citizens should have the right of final approval of both the adequacy of the transportation safety plan and the adequacy of the consortium's financial ability to carry out that plan; and

WHEREAS the State of Utah recognizes the desire on the part of the Skull Valley Goshute Tribe for economic development:

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the State of Utah, the Governor concurring therein, strongly urges the federal Nuclear Regulatory Commission to provide the State of Utah and interested parties the opportunity for full and timely participation in the permitting and environmental impact statement processes.

BE IT FURTHER RESOLVED that the Legislature of the State of Utah, the Governor concurring therein, urges the NRC to ensure that the consortium's establishment of a transportation safety plan be subject to review and approval of the State of Utah, Tooele County, and affected Utah local governments.

BE IT FURTHER RESOLVED that the Legislature, and the Governor concurring therein, urge the Utah congressional delegation and other members of Congress to take every action necessary to block approval of the siting of a nuclear waste repository at the location proposed by the nuclear waste industry consortium in Skull Valley without the approval of the State of Utah.

BE IT FURTHER RESOLVED that the Legislature of the State of Utah, the Governor concurring therein, commit itself to stopping the progress of the proposed high-level nuclear waste storage facility in Skull Valley, unless and until the issues identified in this resolution are resolved and the requirements of the State of Utah are met.

BE IT FURTHER RESOLVED that the Legislature, the governor concurring therein, urge the federal Nuclear Regulatory Commission, the Utah congressional delegation, and any federal or

state courts or agencies to ensure that land owners adjacent to and in the vicinity of the proposed nuclear waste repository be considered in any analysis of impacts, and that these parties be fully compensated by the consortium for the loss of value to their property, including diminution in potential value of these properties for future uses or development as a result of the proposal to establish or the actual establishment of a nuclear waste repository.

BE IT FURTHER RESOLVED that the Governor of the State of Utah and state agencies work with the Skull Valley Goshute Tribe to address alternative economic development programs.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the leaders of the Skull Valley Goshute Tribe, the federal Nuclear Regulatory Commission, the federal Department of Energy, the Utah Department of Environmental Quality, the members of the Utah Congressional Delegation, and the Private Fuel Storage consortium.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

PRIVATE FUEL STORAGE, LLC

(Independent Spent Fuel Storage
Installation)

Docket No.(s) 72-22-ISFSI

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing UTAH LEGISLATURE RESOLUTIONS have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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Docket No.(s)72-22-ISFSI
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Dated at Rockville, Md. this
2 day of April 1998


Office of the Secretary of the Commission